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OFFICE OF PETITIONS

In re Application of
Kevin M. Daniel et al.
Application No. 10/804,202
Filed: March 19, 2004
Attorney Docket No. 3691-618

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: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
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This is in response to the petition filed October 26, 2004 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on March 19, 2004, naming Kevin M. Daniel, Robert V. Himebaugh, Mark A. Schreiner and Andrew T. Billiu but without a signed declaration. Accordingly, on June 1, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on October 26, 2004, an oath or declaration executed by joint inventors Daniel, Himebaugh and Schreiner, a petition under 37 CFR 1.47(a) and three month extension of time was filed. The petition argues that joint inventor Andrew Billiu refuses to sign the oath or declaration or has disappeared and cannot be located but that they, the petitioners have attempted to locate him and have him sign.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

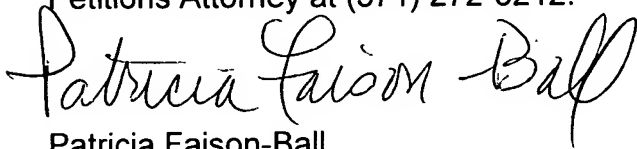
The petition bears proof that efforts to have nonsigning inventor Billiu execute the Oath or Declaration included an email message to the last known email address, a letter to the last known work address and two letters to the last known physical address for Mr. Billiu but none resulted in a response from the nonsigning inventor.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 3634 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in dark ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions